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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 197.

THE UNITED STATES, APPELLANT,

vs.

RICHARD JONES.

APPEAL FROM THE COURT OF CLAIMS.

FILED JANUARY 21, 1903.

(18792.)

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1 Court of Claims.

RICHARD JONES
vs.
THE UNITED STATES. } No. 21434.

I. *Petition.*

The claimant filed his original petition on the 26th day of July, 1899. Subsequently, to wit, on the 14th day of December, 1899, in lieu of said original petition and by leave of court the claimant filed his amended petition, as follows:

2 RICHARD JONES
v.
UNITED STATES. } No. 21434.

Amended petition. Filed December 14, 1899.

To the honorable the Court of Claims:

The claimant, Richard Jones, respectfully represents:

From April 4, 1893, to February 7, 1899, the claimant was and is now clerk of the United States courts for the southern district of Alabama.

During that time the claimant, as such clerk, performed services in behalf of the United States, and his accounts therefor, verified by his oath, were submitted by the United States district attorney to the court for approval on the 25th day of March, in the year 1899. The court, on the same day, approved the same as being just and in accordance with law, and the orders of approval were duly entered of record. Said accounts so approved were presented for allowance and payment to the accounting officers of the Treasury, who allowed and paid part thereof, but disallowed the sum of two hundred and eighty-three dollars ($283), the items of which are as follows:

In Treasury statement No. 55859:

Fees for noting in the record of the list of names in the jury box the date when and name of each person drawn and serving as grand and petty jurors was drawn in accordance with Rule 20 of the court, the noting in said record of each name drawn being a separate and distinct entry and the same being charged, 1,030 entries at 15c. each $154.50

3 Entering in the judgment record book judgments in United States cases in favor of the United States, the same being charged at 15c. each. $25.80

Making entries in the separate cash book furnished and directed to be used by the Attorney-General as a record of fees and expenses of United States marshals, paid and on deposit by the clerk, as required by § 6 of the act of May 28, 1896 (2 Supp. R. S., 479), at 15c. each..... $1.65

Filing certificates of deposit for funds deposited with the assistant treasurer of the United States at New Orleans and the collector of internal revenue at Birmingham, Alabama, said certificates of deposit being filed, with accounts rendered to the court, by the claimant, under § 798 of the Revised Statutes, at 10 cents for each certificate filed.....	$7.10	
Certificates to pay rolls of jurors and witnesses of marshals' accounts, at 15c. each certificate.....	.30	
Total contained in account 55869.....		$189.35
In Treasury statement No. 55870:		
Fees for administering oaths and affixing jurats to the accounts of United States marshals of said district and their deputies, to bailiffs, and to the crier of the court, said account being rendered in original and duplicate, as required, and the charge for said oaths and jurats being, for one oath, 10c.; two jurats, one to the original and one to the duplicate account, each 15c., total 40c., and aggregating.....		$60.80
In Treasury statement 55871:		
Fees for administering oaths and affixing jurats, as stated in the last preceding item, at 40c. in each case.....	$30.40	
Entries in the separate cash book furnished and required to be used by the Attorney-General as a record of fees and expenses of United States marshals, paid to and deposited by the clerk, as required by § 6 of the act of May 28, 1896, at 15c. for each entry.....	.15	
Filing certificates of deposit for funds deposited with the assistant treasurer at New Orleans and the collector of internal revenue at Birmingham, Alabama, said certificates being filed, with the accounts rendered to the court, under § 798 of the Revised Statutes, at 10c. for each certificate filed	2.30	
Total.....		32.85
The last account is as clerk of the circuit court, the two former ones being as clerk of the district court.		
Total.....		$283.00

No other action than as aforesaid has been had on this claim in Congress or by any of the Departments.

The claimant is the sole owner of this claim and the only person interested therein; and no assignment or transfer of this claim, or of any part thereof or interest therein, has been made.

The claimant is justly entitled to the amount herein claimed from the United States, after allowing all just credits and offsets. The claimant is a citizen of the United States, and has at all times borne true allegiance to the Government thereof, and has not in any way voluntarily aided,

abetted, or given encouragement to rebellion against the said Government, and the claimant believes the facts as stated in this petition to be true. And the claimant claims two hundred and eighty-three dollars ($283).

GEORGE A. KING,
Attorney for Claimant.

SOUTHERN DISTRICT, STATE OF ALABAMA,
City and County of Mobile, ss:

Richard Jones, being duly sworn, deposes and says: I am the claimant in this case. I have read the above petition, and the matters therein stated are true, to the best of my knowledge and belief.

RICHD. JONES.

Subscribed and sworn to before me this 29th day of November, A. D. 1899.

[SEAL.] W. D. MCKINSTRY,
U. S. Commissioner.

II. *Traverse. Filed January 21, 1902.*

And now comes the Attorney-General, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained, and asks judgment that the petition be dismissed.

L. A. PRADT,
Assistant Attorney-General.

6 III. *Findings of fact and conclusion of law. Filed as of January 27, 1902.*

This case having been heard by the Court of Claims, the court, upon the evidence, makes the following

FINDINGS OF FACT.

I.

The claimant, Richard Jones, was at the several times of the rendition of the services hereinafter set forth, clerk of the circuit and district courts of the United States for the southern district of Alabama.

As such clerk he rendered services for the United States, for which he rendered accounts to one of said courts, and said accounts were thereupon approved by such court as being in accordance with law and just. Subsequently said accounts were transmitted, with the order of approval, to the accounting officers of the Treasury, by whom several items hereinafter stated were disallowed.

II.

Item 1. Entries on original list of names drawn from jury box. $138.60
Item 2. Entering judgments in favor of the United States in judgment record book 25.80

Item 3.	Entries in cash book	$1.80
Item 4.	Filing certificates of deposit.....	9.40
Item 5.	Certificates to pay rolls of jurors and witnesses.....	.30
Item 6.	Administering oaths and affixing jurats to accounts of United States marshals, at ten cents for each oath and fifteen cents for each jurat.....	91.20

CONCLUSION OF LAW.

Upon the foregoing findings of fact the court decides, as a conclusion of law, that the claimant recover judgment of and from the United States on Items 2, 3, 4, 5, and 6 of Finding II, in the sum of one hundred and twenty-eight dollars and fifty cents ($128.50).

Item 1 of said finding is disallowed.

BY THE COURT.

7 IV. *Judgment of the court.*

RICHARD JONES
v.
UNITED STATES. } No. 21434.

At a Court of Claims, held in the city of Washington on the 27th day of January, 1902, judgment was ordered to be entered in the above-entitled case as follows:

The court, on due consideration of the premises, find for the claimant and do order, adjudge, and decree that the said claimant, Richard Jones, do have and recover of and from the United States the sum of one hundred and twenty-eight dollars and fifty cents.

$128.50. BY THE COURT.

8 V. *Motion for new trial filed by defendants April 2, 1902, and order overruling same.*

Now comes the defendants, by their Attorney-General, and move the court to vacate the judgment and grant a new trial in this case on the ground of error of law, in the judgment of the court, in this: That the court rendered judgment for the claimant on item 6 of finding 2, whereas, in law, judgment should have been rendered for the defendants on said item.

L. A. PRADT,
Asst. Attorney-General.
PHILIP M. ASHFORD,
Asst. Attorney.

Ordered, That the defendants' motion for new trial be overruled and that the findings of fact heretofore, on the 27th day of January, 1902, be withdrawn and new findings this day filed, nunc pro tunc, in lieu thereof.

BY THE COURT.

Filed June 2, 1902.

9 VI. *Motion of claimant for new trial. Filed April 19, 1902; and order overruling same.*

The claimant hereby moves for a new trial, and as a ground thereof, assigns that the court erred in law in disallowing by its judgment item 1. "Entries in jury record of names drawn from jury box $138.50."

This motion is made as a cross-motion to that of the United States.

GEORGE A. KING,
Attorney for Claimant.

Ordered, That the claimant's motion for a new trial be overruled and that the findings of fact heretofore filed on the 27th day of January, 1902, be withdrawn, and new findings this day filed, nunc pro tunc, in lieu thereof.

BY THE COURT.

Filed June 2, 1902.

10 *Application for and allowance of appeal.*

RICHARD JONES
v.
THE UNITED STATES. } No. 21434.

From the judgment rendered in the above-entitled cause on the 27th day of January, 1902, in favor of the claimant, the defendants, by their Attorney-General, on the 2nd day of April, 1902, make application for, and give notice of, an appeal to the Supreme Court of the United States.

L. A. PRADT,
Assistant Attorney-General.

Filed April 2, 1902.

JANUARY 13, 1903.

At a Court of Claims held January 13th, 1903, it was ordered that the foregoing application for appeal be allowed as prayed for.

BY THE COURT.

11 Court of Claims.

RICHARD JONES
vs.
THE UNITED STATES. } No. 21434.

I, John Randolph, assistant clerk of the Court of Claims, certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, of the findings of fact and conclusion of law filed by the court, of the judgment of the court, and of the application for and allowance of appeal to the Supreme Court of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court of Claims this 19 day of January, A. D. 1903.

[SEAL.]

JOHN RANDOLPH,
Asst. Clerk Court of Claims.

12 (Indorsement on cover:) File No. 18792, Court of Claims. Term No. 197. The United States, appellant, *vs.* Richard Jones. Filed January 21st, 1903.